IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1211 OF 2007.

Mr. Krupa Shankar Ramdular Shukla
Occupation-Builder, R/at Shukla Sadan,
Near Durga Mata Mandir, Kolshewadi,
Kalyan, Dist. Thane. ..Petitioner
V/s
1. The State of Maharashtra

2. The Senior Inspector of Police,
Ambad Police Station, Dist. Nashik.

3. Assistant Commissioner of Police,
Ambad Police Station Division
Dist. Nashik

4. The Commissioner of Police Nashik ..Respondents.

Mr. A.P. Mundargi with Mr. Amol Patankar for the petitioner.

Mr. M.S. Mhambre, APP for the respondents.

CORAM : R.M.S.KHANDEPARKAR AND
SMT. V.K. TAHILRAMANI, JJ.
DATE : 19TH JULY , 2007.

ORAL JUDGMENT (PER R.M.S.KHANDEPARKAR, J.)

. Heard.

2. Rule by consent. Rule made returnable forthwith.

3. The petitioner challenges the order passed by the Magistrate approving "A" Summary submitted by police

authorities in relation to the complaint C.R.No. 98 of 2000 registered at Ambad Police Station, Nasik. The impugned order is sought to be challenged on various grounds along with various reliefs asked for. It is not necessary to go through all the contentions which are sought to be raised and the reliefs claimed in this matter. At this stage, since the records disclose that "A" summary was approved by the learned Magistrate without hearing the petitioner in the matter and once the petitioner has undisputedly filed complaint in respect of the said F.I.R., before any order was passed on "A" Summary report submitted by the police, it was absolutely necessary for the learned Magistrate to issue notice to the petitioner-complainant and he had to be heard in the matter. On this ground itself, the impugned order cannot be sustained and is liable to be set aside. The matter is remanded to the learned Magistrate to hear the complainant-petitioner before passing any order. We have not expressed any opinion on the merits of the case and this order will not in any way prohibit the learned Magistrate from ordering further investigation if he finds it necessary in the matter. With these observations, the impugned order is set aside. The matter is remanded to the learned

Magistrate to consider and deal with the "A" Summary report submitted by the police after hearing the petitioner in accordance with the provisions of law, as expeditiously as possible within 4 weeks from today. Liberty to the petitioner to place this order before the Magistrate. Rule made absolute. No order as to costs.

(SMT.V.K. THAILRAMANI, J) **(R.M.S. KHANDEPARKAR, J.)**